



November 16, 2005



VIA U.P.S. OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

FILED

215158

TRANSPORTATION

Re: Proposed Abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas; STB Docket No. AB-33 (Sub-No. 229X)

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 229X). Enclosed is a check for \$3,000.00 for the filing fee. Three (3) computer disks, in Word format, are included for the Board's use.

Sincerely yours,

Enclosures

ENTERED
Office of Proceedings

NOV 1 2005

Part of
Public Record

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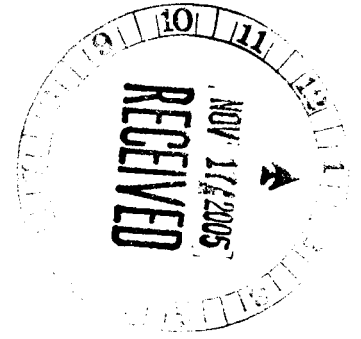
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 229X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ELLIS COUNTY, TEXAS
(WAXAHACHIE INDUSTRIAL LEAD)



215158

NOTICE OF EXEMPTION

FILED

TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

FILED
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TRANSPORTATION BOARD

Dated: November 16, 2005
Filed: November 17, 2005

ENTERED
Office of Proceedings

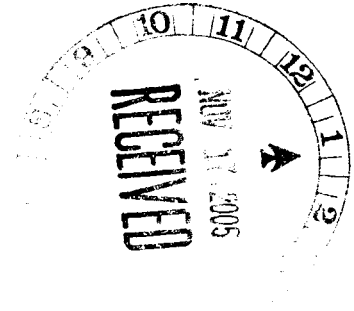
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Part of
Public Record

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 229X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ELLIS COUNTY, CALIFORNIA
(WAXAHACHIE INDUSTRIAL LEAD)



NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Waxahachie Industrial Lead from Milepost 798.03 near Waxahachie to Milepost 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after January 5, 2006 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. UP further certifies that there is no overhead traffic on the Line. There are no shippers on the Line

that will be adversely affected by the proposed abandonment. UP is seeking final abandonment authority to permit salvage of the track and disposal of the right-of-way.

Additional Information Required: 49 C.F.R. 1152.22(a)(1) (4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from Milepost 798.03 near Waxahachie to Milepost 802.60 near Nena, a distance of 4.57 miles. The Line is located in or near the Cities of Waxahachie and Nena, Ellis County, Texas.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Code 75165.

(e)(4) Rural and Community Impact. There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. The Line was constructed by the Dallas & Waco Railway Company in 1889. The Line consists mainly of 85 and 90

pound rail, with the exception of the first half mile of the proposed abandonment, which is laid with 115-pound welded rail. There appears to be no reasonable alternative to the abandonment. There has been no local or overhead traffic for at least two years. After abandonment, the closest rail service would be from both BNSF and UP at Waxahachie. The Line is paralleled between Waxahachie and Nena by Interstate 35E and U.S. Route 77, both north-south routes. Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way.

The proposed abandonment will have no adverse effect on any customers. There will be no increase in rail traffic, rail yard activity or truck traffic as a result of the proposed action. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. There are no stations on the Line to be closed.

The City of Waxahachie was expressed an interest in purchasing the right-of-way for trail use. With the exception of the trail use proposal, UP does not believe the property proposed for abandonment is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation, as this area is adequately served by existing roads and power transmission lines. If the property is not conveyed to the City of Waxahachie for trail use, the highest and best use of the property is use that conforms to the adjacent property. Therefore, the plan and disposition for the property is to consolidate it into surrounding and adjacent usage and ownership, most of which is industrial and /or treed pasture land.

The UP is of the opinion that the proposed abandonment would be beneficial to the UP and will have no adverse effect on interstate commerce.

Any documentation so related to the Line, including real estate documentation relating to the Line in UP's possession, will be made available to those requesting it.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

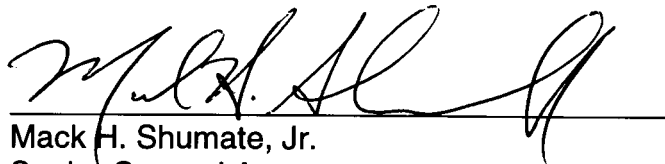
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on June 15, 2005. The Combined Environmental and Historic Report indicates that the proposed abandonment does involve two railroad structures (two bridges) that are over fifty (50) years in age and qualify as historic properties. However, as noted on Attachment No. 4 to the

Combined Environmental and Historic Report (CEAHR) in this matter, the Texas Historical Commission found that neither bridge structure was eligible for listing in the National Register of Historic Places and that the abandonment may proceed. Subsequent to the filing of the CEAHR, the Texas Parks and Wildlife Department filed a notice with the UP that finds that the proposed abandonment will have minimal impact to fish and wildlife resources. See **Exhibit D**.

Dated this 16th day of November, 2005.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read 'Mack H. Shumate, Jr.', is written over a horizontal line.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

VERIFICATION

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

) ss:

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

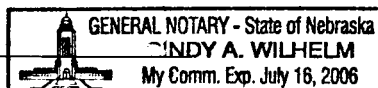
Dated at Omaha, Nebraska, this 19th day of October, 2005.


Raymond E. Allamong, Jr.

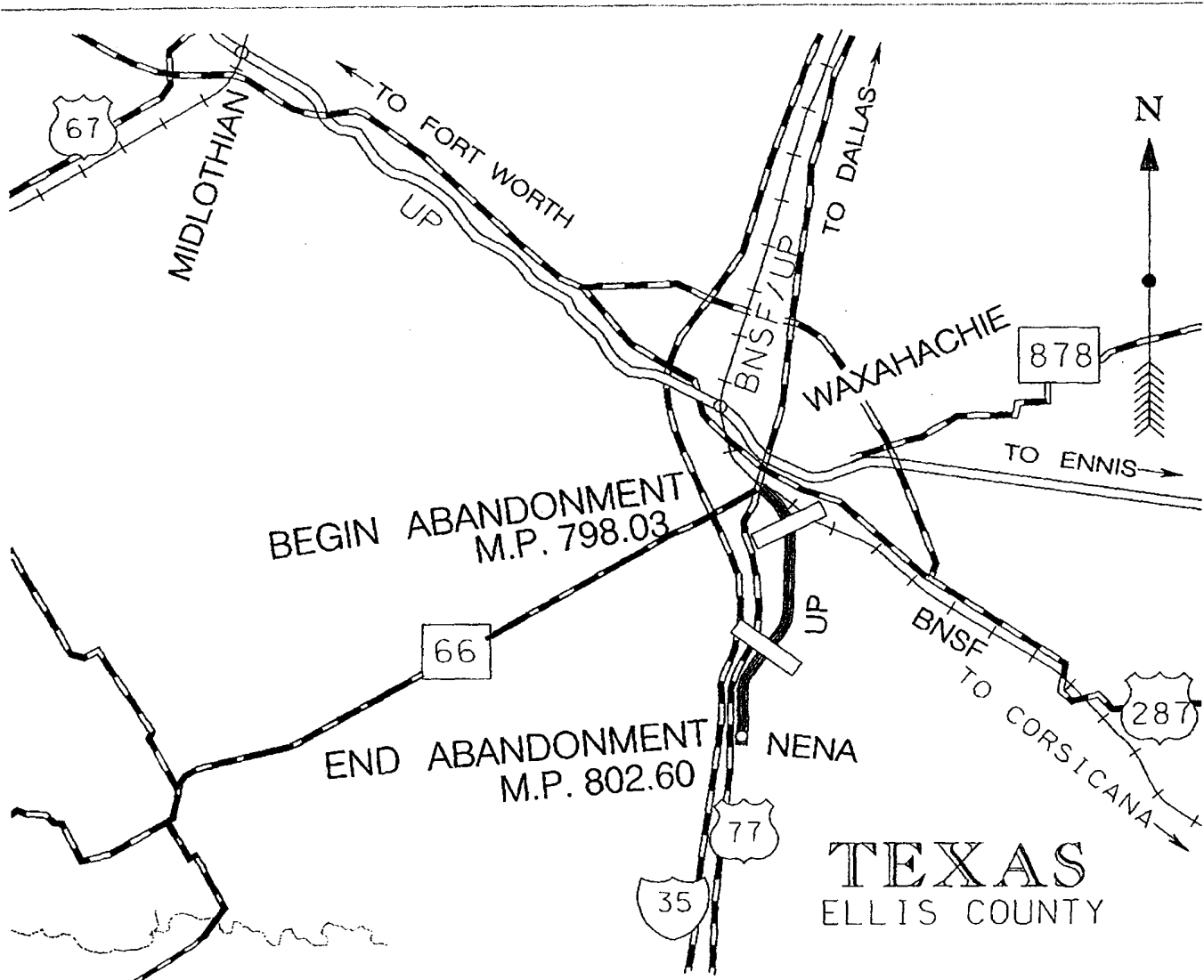
SUBSCRIBED AND SWORN TO
before me this 19th day of
October, 2005.


Notary Public

My Commission expires: _____



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BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR. 789.1	1- 102' SPAN TT	434'	1890
	31- SPAN TPT		1961
BR. 800.9	1-100' SPAN TT	154'	1905
	11 SPAN TPT		1938

STATION	MILE POST	AGENCY
WAXAHACHIE	798.10	NO
NENA	802.60	NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER RR LINES
- - - - OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- — — — OTHER ROADS

WAXAHACHIE INDUSTRIAL LEAD
A TOTAL OF 4.57 MILES
IN ELLIS COUNTY, TEXAS

UNION PACIFIC RAILROAD CO.
WAXAHACHIE INDUSTRIAL LEAD
INCL. 50+ YEAR OLD STRUCTURES

SCALE 0 5 MILES

FILE: Q:\abandonments\abol168_wax.dgn

DATE: 12-Apr-05 14:43



Exhibit B
AB-33 (Sub-No. 229X)

DOCKET NO. AB-33 (SUB-NO. 229X)
Waxahachie Industrial Lead in Ellis County, TX
CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on October 3, 2005 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Waxahachie Industrial Lead in Ellis County, Texas in Docket No. AB-33 (Sub-No. 229X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Public Utility Company
of Texas
1701 North Congress Avenue
PO Box 13326
Austin, Texas 78711-3326

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Auditors Building
14th St. & Independence Ave., SW
Washington, DC 20250

National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80228

Department of Defense
Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

49 C.F.R. § 1105.11 -

The undersigned certifies that on June 16, 2005 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 229X) for abandonment of the Waxahachie Industrial Lead in Ellis County, Texas on the following:

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

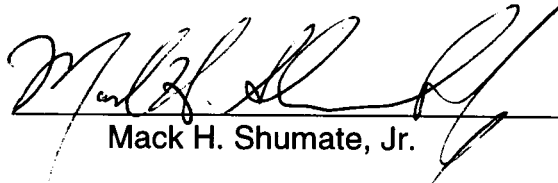
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Ellis	<i>Waxahachie Daily Light</i>	October 11, 2005

Dated this 15th day of November, 2005.


Mack H. Shumate, Jr.



FILE COPY

October 3, 2005

Public Utility Company
of Texas
1701 North Congress Avenue
PO Box 13326
Austin, Texas 78711-3326

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Auditors Building
14th Street & Independence Ave., SW
Washington, DC 20250

National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80228

Department of Defense
Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: Proposed Abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas; STB Docket No. AB-33 (Sub-No. 229X) and AB-654X

Dear Sirs:

This is notice that Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority for an exempt abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas (the "Line").

The Line traverses U. S. Postal Service Zip Code 75165. The proceeding will be docketed as No. AB-33 (Sub-No. 229X).

The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 1152.50. No local traffic has moved over the Line in at least two years and there is no overhead traffic on the Line. A Notice of Exemption will be filed with the Surface Transportation Board on or after October 13, 2005.


Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the Railroad's possession will be made available promptly to those requesting it.

A map showing the Line to be abandoned is attached, for your information as Attachment 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

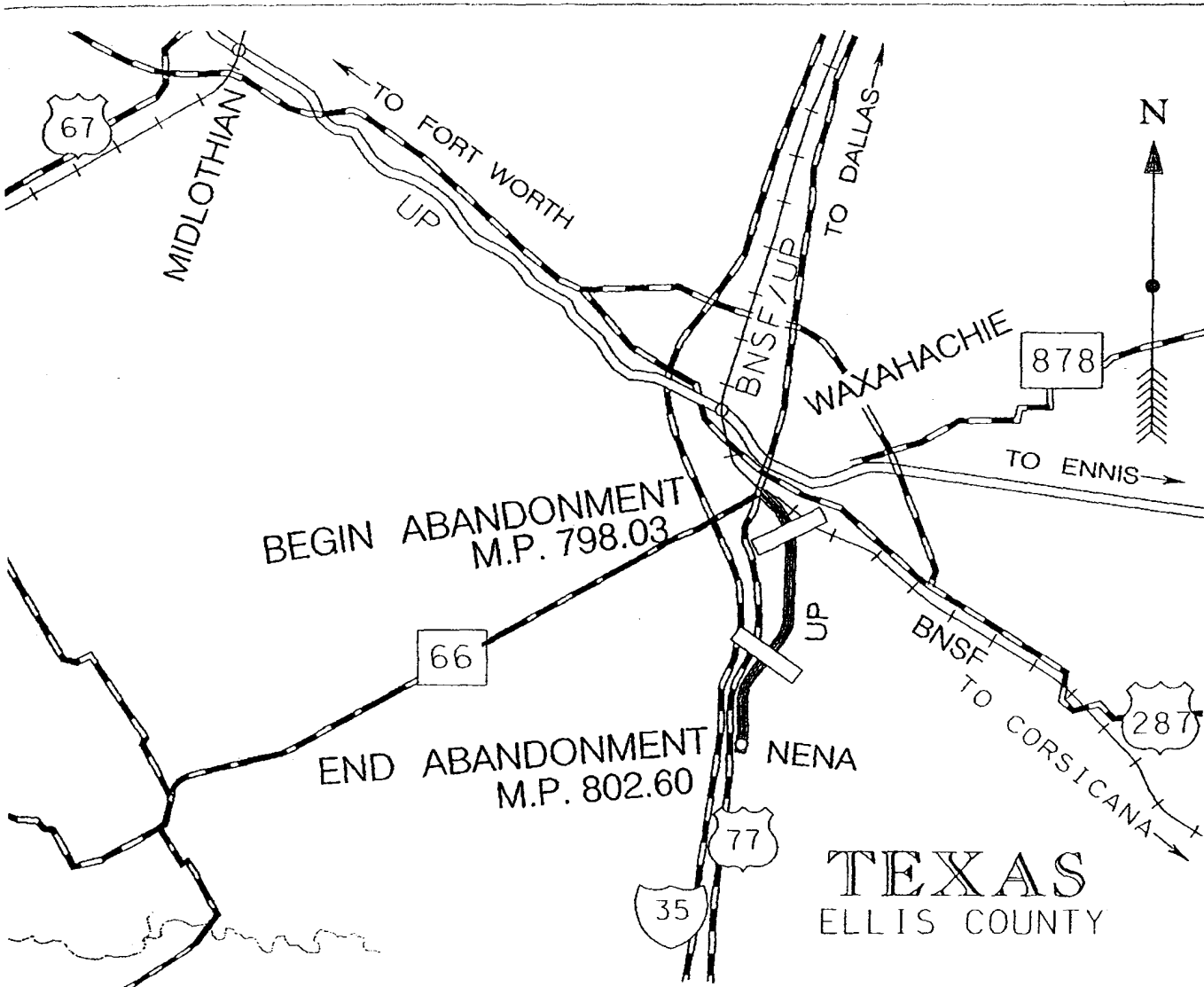
Mack H. Shumate, Jr.
Senior General Attorney

Enclosure

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bcc: w/ Enclosures

Ray Allamong, Mailstop 1350
Lynda Prucha, Mailstop 1580
Jim Harrel, Mailstop 1690
Joe Bateman, Mailstop 1560



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR. 789.1	1- 102' SPAN TT	434'	1890
	31- SPAN TPT		1961
BR. 800.9	1-100' SPAN TT	154'	1905
	11 SPAN TPT		1938

STATION	MILE POST	AGENCY
WAXAHACHIE	798.10	NO
NENA	802.60	NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER RR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

WAXAHACHIE INDUSTRIAL LEAD
A TOTAL OF 4.57 MILES
IN ELLIS COUNTY, TEXAS

UNION PACIFIC RAILROAD CO.
WAXAHACHIE INDUSTRIAL LEAD
INCL. 50+ YEAR OLD STRUCTURES

SCALE MILES

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DATE: 12-Apr-05 14:43



COPY

June 15, 2005

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

Re: Proposed Abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas; STB Docket No. AB-33 (Sub-No. 229X) and AB-654X

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after July 7, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Mack H. Shumate, Jr." with a circled "tag" below the name.

Enclosures

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065



Texas Parks & Wildlife Dept.

June 15, 2005

JUN 21 2005

VIA U.P.S. OVERNIGHT

Wildlife Habitat Assessment Program

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

Re: **Proposed Abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas; STB Docket No. AB-33 (Sub-No. 229X) and AB-654X**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after July 7, 2005.

Sincerely,

Mack H. Shumate, Jr.
tas

Enclosures



Review of the project activity as proposed indicates minimal impacts to fish and wildlife resources.

Reviewed: *Terrell B. Hardin*
Date: 7-15-05

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11152-02
69-27

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

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